

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

JAMES WILLIS BROWN, JR.,)	
)	
Plaintiff,)	
)	
v.)	CV422-108
)	
STATE OF GEORGIA, <i>et al.</i> ,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Pro se plaintiff James Willis Brown, Jr. filed this case “[r]equesting this U.S. District Court to [r]emand an [a]ppeal as [d]e [n]ovo [i]nvestigation O.C.G.A. § 5-3-29.” Doc. 1 at 1. The substance of his pleading alleges that his “trial attorney” provided ineffective assistance. *Id.* at 1-2. It also alleges that the Chatham County Superior Court has violated his due process rights and that the Chatham County District Attorney “is in violation of *Brady v. Maryland*” *Id.* at 2-3. When Brown filed this case he neither paid the filing fee nor moved to proceed *in forma pauperis*. *See* doc. 2. The Clerk notified him of his failure and directed him to respond. *Id.* Brown also failed to return the Magistrate Assignment election. *See* doc. 4. The Clerk issued another deficiency


notice and directed him to respond. *Id.* The deadlines set by the Clerk's deficiency notices have passed, and Brown has not responded. *See generally* docket.

This Court has the authority to prune cases from its dockets where parties have failed to prosecute their cases. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir. 1983); *Floyd v. United States*, CV491-277 (S.D. Ga. June 10, 1992). Brown's case should thus be **DISMISSED** without prejudice for failing to prosecute his case.

This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 15th day of June, 2022.


CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA